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In the Claims

TECH CENTER 1600/2600

Please cancel Claims 3, 14-15, 21 and 38-40.

Please amend Claims 1-2, 4-13, 16-18, 20, 25, 27-29, 32, 35, 37 and 41-42 as follows:

- Sub C<sub>1</sub>
1. (Amended) A DNA complex [construct capable of infecting a mammalian cell] comprising [at least one] semi-purified or pure SV40 VP1 capsid protein or a mixture of VP1 and at least one other SV40 capsid protein; and a constituent selected from the group consisting of:
- a) an exogenous DNA, or an exogenous DNA encoding an exogenous protein or peptide product, or an exogenous DNA encoding RNA;
  - b) a vector comprising any of the exogenous DNAs of a) [an exogenous DNA, an exogenous DNA encoding an exogenous protein or peptide product, or encoding RNA];
  - c) an exogenous RNA, or an exogenous RNA encoding an exogenous protein or peptide product;
  - d) a vector comprising any of the exogenous RNAs of c) [an exogenous RNA or an exogenous RNA encoding an exogenous protein or peptide product or itself a protein or peptide product];
  - e) an exogenous protein or peptide product; or
  - f) antisense RNA, ribozyme RNA or any RNA or DNA which inhibits or prevents the expression of undesired protein or proteins in said mammalian cell;
- and further comprising operatively linked [regulatory] elements sufficient for one or more of the following:
- (i) replication of said constituent;
  - (ii) expression of said constituent; and
  - (iii) prevention of expression of said undesired protein or proteins;
- in said mammalian cell.
- Sub C<sub>1</sub>
2. (Amended) A complex [construct] according to Claim 1 further comprising additional SV40 protein or proteins, preferably SV40 agnoprotein.

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4. (Amended) A complex [construct] according to Claim 1 comprising a mixture of three semi-purified or pure SV40 capsid proteins.
5. (Amended) A complex [construct] according to Claim 1 wherein said other SV40 capsid protein is semi-purified or pure [VP1 or] VP2 or VP3.
- Sub  
E2
6. (Amended) A complex [construct] according to Claim 1 wherein said constituent is:  
(a) exogenous circular or linear DNA<sub>i</sub>[,]  
(b) exogenous circular or linear DNA encoding a protein or peptide product<sub>i</sub>[,] or  
(d) exogenous circular or linear DNA encoding RNA[, or a vector comprising exogenous DNA encoding RNA or encoding an exogenous protein or peptide product].
7. (Amended) A complex [construct] according to Claim 6 wherein said DNA is DNA which encodes a protein or peptide product, wherein said protein or peptide product is not made or contained in said cell prior to infection with the construct, or is DNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in an [abnormally low] amount insufficient for proper cell function prior to infection with the construct, or is DNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in a [defective] form inadequate for proper cell function prior to infection with the construct [or is DNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in physiologically abnormal or normal amount], or encodes a RNA.
- Sub  
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8. (Amended) A complex [construct] according to Claim 7 wherein said protein or peptide product is an enzyme, a receptor, a structural protein, a regulatory protein or a hormone.

9. (Amended) A complex [construct] according to Claim 1 further comprising SV40 *ori* DNA sequence as a replication regulatory element and further comprising a DNA sequence encoding one or more regulatory elements sufficient for the expression of said exogenous RNA or exogenous protein or peptide in said mammalian cell.
10. (Amended) A complex [construct] according to Claim 1 wherein said constituent is exogenous RNA, wherein said RNA is RNA which encodes a protein or peptide product which is not made or contained in said cell prior to infection with the construct, or is RNA which encodes a protein or peptide product which is made or contained in said cell in an [abnormally low] amount insufficient for proper cell function prior to infection with the construct, or is RNA which encodes a protein or peptide product which is made or contained in said cell in a [defective] form inadequate for proper cell function prior to infection with the construct, [or is RNA which encodes a protein or peptide product which is made or contained in said cell in physiologically abnormal or normal amount,] said RNA having regulatory elements, including translation signal or signals sufficient for the translation of said protein or peptide product in said mammalian cell, operatively linked thereto.
11. (Amended) A complex [construct] according to Claim 10 wherein said protein or peptide product is an enzyme, a receptor, a structural protein, a regulatory protein or a hormone.
12. (Amended) A complex [construct] according to Claim 1 wherein said constituent is an exogenous protein or peptide product which is, respectively, a protein or peptide product which is not made or contained in said cell prior to infection with the construct, or is a protein or peptide product which is made or contained in said cell in an [abnormally low] amount insufficient for proper cell function prior to infection with the construct, or is a protein or peptide product which is made or contained in said cell in a [defective] form inadequate for proper cell function

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prior to infection with the construct [or is a protein or peptide product which is made or contained in said cell in physiologically abnormal or normal amount].

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13. (Amended) A complex [construct] according to Claim 1 wherein said constituent is antisense RNA or DNA or ribozyme RNA, or any RNA or DNA which inhibits or prevents the expression of undesired protein or proteins in said mammalian cell.

- Sub C3  
C3
16. (Amended) A complex [construct] according to Claim 1 wherein said cell is a human cell selected from the group consisting of hemopoietic cells, epithelial cells, endothelial cells, liver cells, epidermal cells, muscle cells, tumor cells, nerve cells and germ line cells.

17. (Amended) A complex [construct] according to Claim 16 wherein said hemopoietic cells are bone marrow cells, peripheral blood cells, or cord blood cells[, or liver cells].

- Sub E3
18. (Amended) A method for the *in vitro* construction of SV40 viruses or pseudoviruses comprising exogenous nucleic acid comprising the following steps:
- a) allowing a semi-purified or pure SV40 VP1 capsid protein or a mixture of VP1 and at least one other SV40 capsid [two such] protein [proteins] to self-assemble into SV40-like particles; and
  - b) bringing the SV40-like particles assembled in step (a) into contact with said exogenous nucleic acid to give *in vitro* constructed viruses, or into contact with a vector comprising said exogenous nucleic acid to give pseudoviruses.

- CH E4
20. (Amended) A method according to Claim 18 wherein in step (a) at least one other SV40 protein, preferably SV40 agnoprotein, is added to the mixture of said SV40 capsid protein or proteins and said exogenous nucleic acid.

25. (Amended) A method according to Claim 22 wherein said DNA is DNA which encodes a protein or peptide product, wherein said protein or peptide product is not made or contained in said cell prior to infection with the construct, or is DNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in an [abnormally low] amount insufficient for proper cell function prior to infection with the construct, or is DNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in a [defective] form inadequate for proper cell function prior to infection with the construct, [or is DNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in physiologically abnormal or normal amount] or is DNA which encodes RNA.

27. (Amended) A method according to Claim 18 wherein in step (b) SV40 *ori* DNA sequence is added and said exogenous nucleic acid has operably linked thereto DNA sequence encoding one or more regulatory elements sufficient for the expression of said exogenous protein in a [said] cell [operatively linked thereto].

28. (Amended) A method according to Claim 18 wherein said exogenous nucleic acid is exogenous RNA, wherein said RNA is RNA which encodes a protein or peptide product, wherein said protein or peptide product is not made or contained in said cell prior to infection with the construct, or is RNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in an [abnormally low] amount insufficient for proper cell function prior to infection with the construct, or is RNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in a [defective] form inadequate for proper cell function prior to infection with the construct, [or is RNA which encodes a protein or peptide product, wherein said protein or peptide product is made or contained in said cell in physiologically abnormal or normal amount] and wherein said RNA has regulatory elements, including translation signal, sufficient for the translation of said protein product in said mammalian cell, operatively linked thereto.

29. (Amended) A method for the *in vitro* construction of SV40 viruses or pseudoviruses comprising an exogenous protein or peptide comprising the following steps:
- a) allowing a semi-purified or purified SV40 VP1 capsid protein or a mixture of VP1 and at least one other SV40 capsid [two such] protein [proteins] to self-assemble into SV40-like particles; and
- b) bringing the SV40-like particles assembled in step (a) into contact with said exogenous protein to give *in vitro* constructed SV40 viruses or pseudoviruses.

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32. (Amended) A method according to Claim 31 wherein said exogenous protein or peptide is a protein or peptide not made or contained in a [said] cell prior to infection with the construct, or is a protein or peptide made or contained in said cell in an [abnormally low] amount insufficient for proper cell function prior to infection with the construct, or is a protein or peptide made or contained in said cell in a [defective] form inadequate for proper cell function prior to infection with the construct [or is a protein or peptide made or contained in said cell in physiologically abnormal or normal amount].

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35. (Amended) A method for the *in vitro* construction of SV40 pseudoviruses comprising exogenous antisense RNA, or ribozyme RNA or RNA or DNA which inhibits or prevents the expression of undesired protein or proteins in a mammalian cell, comprising the following steps:
- a) allowing a semi-purified or pure SV40 VP1 capsid protein or a mixture of VP1 and at least one other SV40 [two such] protein [proteins] to self assemble into SV40-like particles and
- b) bringing said SV40-like particles obtained, in step (a) into contact with said exogenous antisense RNA, or ribozyme RNA, or RNA or DNA which inhibits or prevents the expression of undesired proteins in a mammalian cell, to give *in vitro* constructed SV40 pseudoviruses.

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